

## REMARKS

Claims 1-17, 19-25, 27-33, and 35-36 are pending in this application.

Claims 1-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,835,896 to Fisher et al. ("*Fisher*") in view of U.S. Patent No. 6,704,713 to Brett ("*Brett*") in view of U.S. Patent No. 6,607,136 to Atsmon et al. ("*Atsmon*") in view of U.S. Patent No. 6,829,586 to Postrel ("*Postrel*").

Claims 15-17 and 27-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fisher* in view of U.S. Patent No. 6,178,408 to Copple ("*Copple*") in view of *Atsmon*.

Claims 19-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fisher* in view of U.S. Patent No. 6,113,495 to Walker et al. ("*Walker*") in view of *Copple* in view of *Atsmon*.

Claims 23-25, 29-33, and 35-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Copple* in view of *Walker* in view of *Atsmon*.

In each of these rejections, the Office Action relies on *Atsmon* as teaching features of the claims that are not disclosed by any of the other references. However, the Applicants assert that *Atsmon* is not prior art under 35 U.S.C. § 102, and therefore all of the features of the pending claims are not disclosed in the proposed combinations.<sup>1</sup>

The present application has a filing date of October 20, 1999. *Atsmon* was filed on May 12, 2000 and issued on August 19, 2003. As such, *Atsmon* is not prior art under §§ 102(a) or 102(b). Furthermore, *Atsmon* is a continuation-in-part of various PCT applications all of which were filed outside of the United States prior to November 29, 2000 (AIPA amendments enactment date). Because *Atsmon* is a patent resulting from an international application filed before the enactment of the AIPA amendments, the provisions of 35 U.S.C. § 102(e) prior to November 29, 2000 are applied to *Atsmon*.

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<sup>1</sup> The Applicants's silence regarding any of the Office Action's statements about what *Atsmon* does or does not disclose does not mean that the Applicants necessarily agree or disagree with the statements.

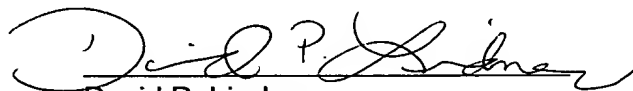
(see MPEP § 2136.03(II)(C)). Under this provision, *Atsmon's* earliest § 102(e) date is May 12, 2000. That the PCT applications claim priority to earlier filed U.S. Provisional Applications does not change *Atsmon's* §102(e) date (see MPEP §706.02(f)(1)). Therefore, *Atsmon* is not prior art under § 102(e). The Applicants note that all of *Atsmon's* priority PCT applicants published subsequent to the filing of the present application, and therefore these publications also do not qualify as prior art under 35 U.S.C. § 102.

Because *Atsmon* is not prior art under 35 U.S.C. § 102, and because the remaining references do not recite all of the claimed features alone or in combination, the Applicants assert that the pending claims are patentable. Accordingly, the Applicants respectfully request withdrawal of these rejections.

### CONCLUSION

The Applicants submit that all of the pending claims are in condition for allowance and a notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,



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